

## REMARKS

### I. Status of the Application

Claims 1-20 are pending in this application. In the November 16, 2006 office action, the Examiner:

A. Objected to the disclosure on the basis that the Abstract was too long;

B. Rejected claims 1-20 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,292,379 to Edevold et al. ("Edevold") in view of U.S. Patent No. 6,923,285 to Rossow et al. ("Rossow").

In this Response, applicants have amended the abstract to reduce the word count to approximately 150 words. Applicants respectfully traverse the rejection of the claims in view of the following remarks.

### II. The Objection to the Disclosure is Moot

The Examiner objected to the disclosure for the reason that the Abstract was too long. (See Nov. 16, 2006 office action at p.2). Applicants have amended the abstract to reduce the word count in accordance with the guidelines set forth in the MPEP 608.01(b). It is therefore respectfully submitted that the objection to the disclosure is moot and should be withdrawn.

### III. Obviousness Rejection of Claim 1

Claim 1 stands rejected as allegedly being rendered obvious over Edevold in view of Rossow. As will be discussed below in detail, there is no legally sufficient motivation or

suggestion to combine Alessandria and Pavlin as proposed by the Examiner. Alternatively, the proposed combination does not arrive at the claimed invention. As a consequence, it is respectfully submitted that the obviousness rejection of claim 1 should be withdrawn.

A. Present Invention

There is no indication that the Examiner has improperly perceived claim 1. However, a brief summary will be provided for convenience.

Claim 1 is directed to an arrangement for use in providing power to an electrical device includes an inverter, a first switch, a second switch, and a bypass controller. (See, e.g., Fig. 1 of the Application, inverter 20, first switch 22, second switch 24, and the bypass control circuit 26). The first switch has an open position and a closed position, and is operably coupled to connect the inverter to the electrical device when the first switch is in the closed position. The second switch has an open position and a closed position, and is operably coupled to connect a utility power line source to the electrical device when the second switch is in the closed position. The bypass controller is operable to cause a first transition sequence in which the first switch changes to the open position and subsequently the second switch changes to the closed position.

The bypass controller is further operable to: cause continuous actuation of a first indicator when the first switch is in the closed position; cause continuous actuation of a second indicator when the second switch is in the closed position; and cause intermittent actuation of the second indicator during at least a portion of the first transition sequence. An exemplary embodiment of the indicators are indicators 28 and 30 of Fig. 1.

The invention allows, among other things, a relatively accurate indication of a state of inverter bypass operations, which can occur without operator intervention. Thus, in many cases, the only way a human observer can be informed of certain states and transitions is by way of this invention.

B. Edevold

Edevold is directed to an uninterruptible power supply (UPS) having multiple power modules. An uninterruptible power supply is a “back-up” AC power source in the event of loss of power from utility power lines. Each module of Edevold has bypass circuitry and an inverter, as well as a control circuit. The UPS modules are coupled in parallel such that no single bypass circuit has to carry all of the current of the system.

C. Rossow

Rossow is directed to an attachment for use with a power machine, such as a fork lift or the like. A control panel may be modified to include LEDs that provide feedback to the machine operator about the current operation states of various mechanical elements.

D. The Proposed Combination

In the rejection of claim 1, the Examiner admitted that Edevold failed to teach the use of a bypass controller that is configured to operate first and second indicators as claimed. (November 16, 2006 Office Action at p.3). The Examiner attempts to address the

shortcoming of Edevold with respect to the bypass controller operation of the indicators with the teachings of Rossow

Rossow teaches LED indicators and indicia (Fig. 3b) for indicating operating modes in a power system. He goes on to teach certain LEDs being illuminated when certain switches are closed (certain operating modes) (Col. 12, lines 26-38). It would have been obvious ... to use LEDs and indication in Edevold's invention so that the operator will know the operating mode in which the system is working in. Therefore, when the first switch is closed (i.e. in inverter power state), an LED is continuously lit with matching indicia; same with when the second switch is closed (i.e. in utility power bypass states). During transition mode, the first LED will be on, and then turn off (when the first switch is opened), and the second LED will be off, and then turn on (when the second switch is closed) (intermittently).

(*Id.*)

Applicants respectfully submit that the Examiner has not set forth a legally sufficient motivation or suggestion to combine Edevold and Rossow as proposed. Moreover, the references relied upon by the Examiner are not analogous art.

# 1. Non-Analogous Art

Edevold and Rossow are non-analogous art. Rossow is not in the field of either Edevold's or the Applicant's field of endeavor. Moreover, Rossow is not particularly pertinent to the problem of "user interfaces", if any, faced by Edevold.

Edevold is directed to uninterruptible power supplies (UPS). These devices generate AC power signals in the event of a power interruption to the utility power lines. UPS devices are often used to ensure continuous operation of critical processing devices, such as hospital equipment, and other data processing equipment. A UPS device typically includes basic functions such as 1) detecting a 60Hz utility power line signal anomaly; 2) switching to battery power and 3) providing battery power until utility power is again available. A UPS may provide surge protection as well. There is little or no user interaction with a UPS during

its normal operation.

Rossow, by contrast, is directed to an attachment for a power machine. A “power machine” is a device that may include, for example, a fork-lift. In Rossow, the power machine is a “skid steer loader”. (Rossow at col. 1, lines 24-25). The “attachment” to the power machine is a “tool”, such as a tree spade, cement mixer, etc. which uses hydraulic actuators.

The Edevold and Rossow patents are directed to completely different devices used in completely different industries, and implement completely different technologies. They are *not* in the same fields of endeavor.

Moreover, one of ordinary skill in the UPS art would not turn to the power machine attachment art to find user interface solutions. UPS devices are stationary devices that deal primarily with electrical power. They largely operate without any user interaction. By contrast, power machines (and their attachments) are movable devices whose primary purpose, indeed, is to move heavy tools and loads. Power machines are always manipulated by a user. Power machines typically must be rugged as a result of the heavy use and movement. Display feedback to the user of a power machine must be rugged and also provide the information necessary to ensure safe operation *by the user*. To the extent the power machine art informs anyone of anything having to do with user interfaces, it would at best inform those looking for user interfaces for harsh environments used with devices that are manually manipulated. None of these criteria apply to UPS devices. There simply is no reason why an ordinary UPS designer would turn to the power machine/lift loader art to solve user interface problems.

Because Rossow and Edevold are not analogous art, it is respectfully submitted that the obviousness rejection of claim 1 is improper under MPEP 2141.01(a) and should be withdrawn.

2. No Motivation or Suggestion to Combine the References

Even if Edevold and Rossow were “analogous art”, which they are not, the Examiner has not set forth a legally sufficient motivation or suggestion to combine the references as proposed. The Examiner stated that the motivation to “use LEDs and indicia in Edevold’s invention” is “so that the operator will know the operating mode in which the system is working in.” (November 16, 2006 office action at p.3).

Edevold does not teach that there is a need for *an operator*, much less an operator that knows the operating mode in which the system is working. Regardless, even if there were a motivation to provide information as to which *state* the Edevold device is in (UPS devices sometimes include state indicators), there is no motivation or suggestion to provide any indication of a *transition* between states. Thus, the Examiner has not provided a motivation or suggestion to modify Edevold to “cause intermittent actuation of the second indicator during at least a portion of the first transition sequence”, as claimed.

For at least this reason, it is respectfully submitted that the obviousness rejection of claim 1 is in error and should be withdrawn.

#### IV. Claims 2-9

The Examiner also rejected claims 2-9 over Edevold and Rossow. Claims 2-9 depend from and incorporate all of the limitations of claim 1. Accordingly, for at least the same reasons as those set forth above in connection with claim 1, it is respectfully submitted that the rejection of claims 2-9 over Edevold and Rossow are in error and should be withdrawn.

#### V. Claims 10-20

The Examiner rejected claims 10-20 over a combination of Edevold and Rossow. As discussed above, Edevold and Rossow are non-analogous and cannot be combined. Accordingly, for at least this reason, it is respectfully submitted that the rejections of claims 10-20 over Edevold and Rossow are in error and should be withdrawn.

In addition, with respect to claim 17, both Edevold and Rossow fail to teach or suggest both a “first transition sequence in which the first switch changes to the open position and subsequently the second switch changes to the closed position”, and a “bypass controller ... operable to provide a signal to the inverter to cause the inverter to cease providing output prior to the first switch changing to the open position.” As an initial matter, Rossow does not teach any such switches because it does not relate to inverters or bypass operations.

Edevold, however, does teach a first switch 64 and a second switch 58. Nevertheless, Edevold does not teach that the inverter is disabled prior to the switch 64 being opened, nor that the switch 64 is opened prior to closing the second switch 58. (See Edevold at col. 8, lines 29-55). All Edevold teaches is that the inverter is disabled prior to closing the second switch 58. Edevold is silent with respect to the relative timing of the opening of the switch

64.

Thus, for all of the foregoing reasons, it is respectfully submitted that the rejections of claims 10-20 are in error and should be withdrawn.

VI. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application is therefore respectfully requested.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

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Respectfully submitted,



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